

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

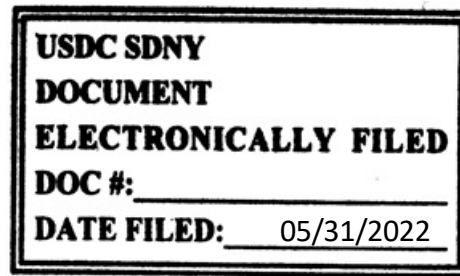
M.J., individually and on behalf of E.R. a  
child with a disability,

Plaintiff,

-against-

New York City Department of Education,

Defendants.



1:21-cv-11216 (PAC) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a telephone conference with the parties today, and as stated on the record, it is hereby ORDERED, as follows:

1. No later than June 7, 2022, Plaintiff shall file a letter advising the Court whether the child, E.R., intends to use compensatory academic services, including math and reading tutoring, speech-language therapy and counseling services, should the New York City Department of Education pay for such services.
2. If Plaintiff fails to affirmatively represent that E.R. presently intends to use one or more of the foregoing services, then Plaintiff shall explain in the letter required by paragraph 1 hereof why an actual case or controversy exists regarding implementation of the Findings of Fact and Decision issued by Impartial Hearing Officer Edgar De Leon ("FOFD").<sup>1</sup>

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<sup>1</sup> According to the Complaint, the DOE has not complied with the FOFD, since it "failed to provide payment for E.R.'s awarded compensatory services." (See Compl., ECF No. 1, ¶¶ 27-28.) The DOE contends there is no actual case or controversy since E.R. has not used the awarded compensatory services, or indicated an intention to do so. In other words, there are no compensatory services for which payment is required or anticipated.

**SO ORDERED.**

Dated: New York, New York  
May 31, 2022

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line. The signature is written in a cursive, slightly slanted style.

STEWART D. AARON  
United States Magistrate Judge